

FILED
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U.S. DISTRICT COURT, E.D.N.Y.
★ APR 25 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
TIME A.M. _____

AUDREY MEDOY,

X Plaintiff,

-against-

97 CV 6612 (SJ)
ORDER

WARNACO EMPLOYEES' LONG TERM
DISABILITY INSURANCE PLAN,
and WARNACO INC., personally and as
Administrator of the WARNACO
EMPLOYEES' LONG TERM DISABILITY
INSURANCE PLAN,

Defendants.

X

WARNACO EMPLOYEES' LONG TERM
DISABILITY INSURANCE PLAN,
and WARNACO INC., personally and as
Administrator of the WARNACO
EMPLOYEES' LONG TERM DISABILITY
INSURANCE PLAN,

Third-Party Plaintiffs,

-against-

CIGNA CORPORATION, INSURANCE
COMPANY OF NORTH AMERICA,

Third-Party Defendants.

X

APPEARANCES:

LEGAL SERVICES FOR THE ELDERLY
130 West 42nd Street, 17th Floor
New York, NY 10036
By: Edgar Pauk
Attorneys for Plaintiff

SEYFARTH, SHAW, FAIRWEATHER &

GERALDSON
900 Third Avenue
New York, NY 10022
By: Peter A. Walker
Attorneys for Defendants, Third-Party Plaintiffs

RUSSO, KEANE & TONER, LLP
26 Broadway, 28th Floor
New York, NY 10004
By: Kevin G. Horbatiuk
Attorneys for Third-Party Defendants

JOHNSON, Senior District Judge:

Audrey Medoy ("Plaintiff") brought this action against the Warnaco Employees' Long Term Disability Insurance Plan (the "Plan") and Warnaco, Inc. ("Warnaco"), personally and as administrator of the Plan (collectively, "Defendants"), under the Employee Retirement Income Security Act of 1974 (ERISA), as amended, 29 U.S.C. § 1001-1461 (1994).

The Warnaco Group, Inc., and thirty-seven of its subsidiaries filed a petition for bankruptcy on June 11, 2001. Defendant Warnaco Inc. and Plaintiff subsequently entered into a Stipulation and Order that released claims against Defendant Warnaco Inc. Defendant Warnaco Inc. has since emerged from bankruptcy, and has moved to be dismissed from this action in its personal capacity pursuant to the Stipulation and Order. Plaintiff does not oppose this request. Defendant Warnaco is therefore DISMISSED in its personal capacity.

The parties are directed to confer on a briefing schedule for updating the case law

in their motions for summary judgment, and to submit their proposed schedule to the Court.

The parties are also advised that pursuant to this Court's individual rules, all documents must be filed electronically through ECF. The parties' motions should therefore be submitted through ECF once they have been updated.

The Clerk of Court is directed to enter a final judgment of dismissal with respect to Defendant Warnaco in its personal capacity.

SO ORDERED.

s/SJ

Dated: Brooklyn, New York
April 15, 2005

Senior U.S.D.J.